

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

LOCO BRANDS, LLC d/b/a DIRECT	§	
TEK,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CASE NO. 6:18-CV-69-JDK-KNM
	§	
BUTLER AMERICA, LLC, and	§	
FRONTIER COMMUNICATIONS	§	
CORPORATION,	§	
	§	
Defendants.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**


This action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. Docket No. 2. The Report and Recommendation of the Magistrate Judge (Docket No. 231, the “Report”), which contains her findings, conclusions, and recommendations regarding Defendant Frontier Communications Corporation’s (“Frontier”) Renewed Motion for Summary Judgment (Docket No. 140) has been presented for consideration. The Report recommends denying Frontier’s motion. Frontier filed written objections. Docket No. 245.

The Court reviews objected-to portions of the Magistrate Judge’s Report and Recommendation de novo. *See* FED. R. CIV. P. 72 and 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). The Court conducting a de novo review examines the entire record and makes an

independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having reviewed Frontier's objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. Accordingly, it is **ORDERED** that Frontier's objections are **OVERRULED** and that the Magistrate Judge's Report (Docket No. 231) is **ADOPTED** as the opinion of this Court. Frontier's Motion for Summary Judgment (Docket No. 140) is **DENIED**.

So **ORDERED** and **SIGNED** this **31st** day of **March, 2020**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE